

REMARKS

Claims 2-10, 12, 14, 16, 21, and 25 have been canceled herein without prejudice or disclaimer. Applicants reserve the right to pursue claims encompassing all canceled subject matter in one or more divisional or continuation applications. Claim 15 has been amended to encompass all limitations of canceled claim 14 in order to maintain pendency for later rejoinder, as advised by the Examiner. *See*, Office Action mailed June 21, 2004, page 14, section 6. New claims 26-47 have been added herein to expand the embodiments of the elected subject matter. Upon entry of the present amendments, claims 1, 11, 13, 15, 17-20, 22-24, and 26-47 will be pending. No new matter has been added.

Support for new claims 26-47 can be found in the application as filed. For example, support for these new claims may be found at: page 47, lines 1-3, page 53, lines 23-31, & Figures 1A-1B (amino acids 1-425 & 2-425 SEQ ID NO:2); page 113, line 7 to page 115, line 16 (heterologous polypeptides); page 282, line 5 to page 299, line 2 (compositions/carriers); page 115, line 19 to page 126, line 9 (method of making polypeptide); page 126, lines 10-11 (glycosylated); page 9, lines 19-28 (ATCC Deposit No. 97128); and, page 19, line 12 to page 23, line 12 (95% identical polypeptides).

Provisional Election With Traverse

The Examiner has issued a restriction requirement separating original claims 1-25 into twenty-seven different groups. *See*, Office Action mailed June 21, 2004, pages 2-8.

To comply with the pending election requirement, Applicants herein provisionally elect, with traverse, claims embodying subject matter currently restricted to Group 4, drawn to polypeptides sequences of SEQ ID NO:2 and encoded by the corresponding cDNA in ATCC Deposit Number 97128 (*i.e.*, previously presented claim 11-12, 16 and new claims 26-47).

Applicants respectfully traverse the present restriction requirement. A restriction requirement should not be imposed unless a search and examination of all groups would entail a "serious burden." *See* M.P.E.P. § 803. In the present situation, a search of polynucleotide claims would provide useful information for the claims in other related groups. For example, a search of SEQ ID NO:1 polynucleotides would inherently provide relevant information for the related claims encompassing SEQ ID NO:3 and SEQ ID NO:5 polynucleotides, as well as polypeptides, antibodies, methods of treating/preventing/diagnosing medical conditions, methods of identifying binding partners, and methods of assaying biological activity for these molecules. Therefore, since a search of the claims of Group 1 would overlap with a search of Groups 2-27, a search of the claims in all groups should not impose an undue burden. Therefore, it is respectfully requested that the restriction requirement be withdrawn.

Conclusion

Applicants respectfully request that the above-made amendments and remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper which have not already been accounted for, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not already provided for, such an extension is requested and the fee should also be charged to our Deposit Account.

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Respectfully submitted,

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